

26 August 1955

Memorandum for: AD/OC
Comptroller ✓
SSA/DD/S

Subject: Proposed amendment to the
Foreign Service Act of 1946

1. The Bureau of the Budget has forwarded to this Agency for comment a proposed amendment to the Foreign Service Act of 1946 relating to commissary and mess services abroad.

2. This office must forward its comments to the Bureau of the Budget before 15 September, and, therefore, it would be appreciated if you would forward to us your views with respect to the proposed amendment before 10 September.

STATINTL

3. In the event that you wish to confer on this bill, please communicate with on extension

TATINTL

Walter L. Pierzheimer
Legislative Counsel

Attachments

State Dept., OGC reviews
completed. On file OMB release
instructions apply.

STATINTL

MORI/CDF

DEPARTMENT OF STATE

WASHINGTON

Dear Mr. Vice President:

There is transmitted herewith a draft of a proposed bill, "To amend Section 921 of the Foreign Service Act of August 13, 1946 (22 U.S.C. 1139) relating to commissary or mess services", which it is recommended that the Congress enact.

Funds have not been requested for Government operated commissary or mess services since the fiscal year 1951. In order to meet their needs for commissary or mess services, employees of the Foreign Service have established a number of cooperative, non-Government operated commissary or mess services financed by personal contributions. While this arrangement is very helpful to the employees of the Service, notwithstanding the fact that some of them have difficulty in participating therein because of necessary capital outlays, the Government also benefits considerably therefrom because of reduced post allowance payments and better employee relations.

In recent correspondence the General Accounting Office inquired about the authority for our employees to operate the non-Government commissary and allied services in the Paris Embassy, and raised a question whether funds accumulated through such operations are at least quasi-Government and whether they should be covered into the Treasury as Miscellaneous Receipts. In a decision dated March 3, 1953 (A-44014) the Comptroller General expressed the desirability of obtaining additional legislation to enable the Department to sanction officially non-Government operated commissary and allied services.

General Regulations No. 121 issued by the Comptroller General under date of January 21, 1955, instructs departments and agencies of the Government with respect to their responsibilities concerning the

use of

The Honorable
Richard M. Nixon,
President of the Senate.

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use of Government facilities by employees and the action to be taken in collecting for any unofficial use of such facilities. This regulation will make it extremely difficult for non-Government operated commissary or mess services to operate in the absence of the legislation proposed.

If enacted, the amendment would authorize the establishment and operation of non-Government operated commissary or mess facilities and enable the Department to assist them to obtain necessary space, including warehouse or storage space, utilities, material, supplies, equipment or services. It is contemplated that the regulations governing such operations would require reimbursement consistent with the various situations encountered.

In order to equalize commissary and mess charges to employees of all agencies serving abroad, because their post allowances are equal, the amendment would provide that charges abroad by a commissary or mess service of any Government agency shall be at the same rate for all civilian personnel of the Government serviced thereby, and that all charges for supplies furnished to such a service abroad by any Government agency shall be at the same rate as that charged civilian commissary or mess services of the furnishing agency.

It is not contemplated that the cost of operating the Foreign Service will be increased by the enactment of this bill. On the other hand, if the bill is not enacted, and existing commissary and mess services should be discontinued, the cost of operating the service will be increased considerably by reason of increased post allowance payments.

The authority for the establishment and maintenance of Government operated commissary and mess services is retained so that it may be used in the event of future necessity.

It is respectfully requested that you lay the proposed bill before the Senate. A similar bill is being transmitted to the Speaker of the House of Representatives.

Enclosure:

A proposed bill.

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A BILL

To amend Section 921 of the Foreign Service Act of August 13, 1946 (22 U.S.C. 1139) relating to commissary or mess services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 921 of the Foreign Service Act of 1946 (22 U.S.C. 1139) is amended to read as follows:

"Section 921. The Secretary may, under such regulations as he may prescribe (a) establish and maintain Government operated commissary or mess services, or (b) authorize and assist in the establishment, maintenance, and operation, by employees of the Service, of commissary or mess services, at posts abroad, to be available to the officers and employees of all Government agencies and their dependents; space, facilities, material, stocks, supplies, equipment or services, may be made available. Notwithstanding the provisions of any other law, charges abroad by a commissary or mess service of any Government agency shall be at the same rate for all civilian personnel of the Government serviced thereby, and all charges for supplies furnished to such a service abroad by any Government agency shall be at the same rate as that charged by the furnishing agency to its civilian commissary or mess services. Reimbursements to appropriations are authorized."

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